

REMARKS

Claims 3-6 and 21-31 are pending. The Office Action dated April 25, 2003, has been carefully considered. Applicant appreciates that the Examiner has allowed Claims 4-6, 26 and 27. Applicant requests that the Examiner consider the following remarks, and pass the application to allowance.

Response to 35 U.S.C. § 102(b) Rejections:

Claims 3 and 21-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Benning et al. (EP 0 639 387 A1).

Claim 3 as amended recites a trocar. The trocar includes a cannula for receiving an implant and inserting the implant into an animal, the cannula having a sharp tissue penetrating distal end; a spring element received entirely within the cannula, the spring element having a leaf spring for retaining the implant inside the cannula, the leaf spring applying a frictional force against the implant sufficient to prevent the implant from sliding out of the cannula under a weight of the implant, wherein the spring element is formed as a sheet with the leaf spring formed as a T-shaped cut out portion within the sheet; and an obturator for delivering the implant from the cannula into the animal. (Emphasis added.)

Meanwhile, Claim 21 as amended recites a trocar. The trocar includes a cannula for receiving an implant and inserting the implant into an animal; a spring element received within the cannula, the spring element formed from a sheet with a continuous cut forming a T-shaped leaf spring connected to a surrounding sheet; an obturator for delivering the implant from the cannula into the animal; and wherein the leaf spring retains the implant inside the cannula by applying a frictional force against the implant sufficient to prevent the implant from sliding out of the cannula under a weight of the implant. (Emphasis added.)

Benning et al. relates to an injector for introducing solid objects, such as transponders, into living beings. In Benning et al., the injector 1 includes a clamping means 4 to prevent transponder 10 from dropping out of needle tip 7 during transfer of the injector

to the animal. Benning et al., however, does not teach or suggest a leaf spring formed from a substantially rectangular sheet with a continuous cut forming a T-shaped cut-out portion. Rather, in Benning et al., the clamping means 4 comprises a mounting part 5 and a lip 6, wherein the mounting part 5 is a simple blank of resilient material which is bent over to a u-shape. Col. 3, lines 14-16. Meanwhile, the lip 6 has a free extremity which is urged in a downward direction to engage the transponder. Accordingly, since Benning et al. does not teach or suggest a spring element formed as a sheet with the leaf spring formed as a T-shaped cut-out portion within the sheet, and a spring element formed from a sheet with a continuous cut forming a T-shaped leaf spring connected to a surrounding sheet, respectively, Claims 3 and 21 should be allowable. Claims 22-25 are dependent from Claim 21 and should be allowable for the reasons set forth above.

New Claims 28-31:

Claim 28 recites the trocar according to Claim 3, wherein the leaf spring has a longitudinal leg and cross leg, and the cross leg of the leaf spring is wider than the longitudinal leg in a circumferential direction.

Claim 29 recites the trocar according to Claim 28, wherein the cross leg has tabs on either end which secures the leaf spring against motion away from the cannula surface towards the cannula axis.

Claims 30 and 31 recite the trocar according to Claims 3 and 21, respectively, wherein the sheet is substantially rectangular. For the reasons set forth as to Claims 3 and 21, Claims 28-30 and 31, respectively, should be allowable.

CONCLUSION

It is respectfully submitted that Claims 3-6 and 21-31 are presently in condition for immediate allowance, and such action is requested. If, however, any matters remain that could be clarified by Examiner's Amendment, the Examiner is cordially invited to contact the undersigned by telephone at the number below.

Respectfully submitted,

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